

Notice of Allowability

Application No.

10/801,913

Examiner

Bernard E. Souw

Applicant(s)

WHITTEN ET AL.

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03/01/2005.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☒ The drawings filed on 16 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this Examiner's Amendment has been given during a phone conversation with applicant's attorney, Mr. Neil R. Jetter, Reg. No. 46,803, on March 10, 2005.

(a) **In the specification:**

► In paragraph [0035] line 2, after "*are used*", prior to "*an acceleration grid*", insert **--as--**.

► In paragraph [0040] line 2, after "*vacuum chamber*", prior to "*through needle valves*", delete **[128]**.

Affidavit

2. The Affidavit filed on 03/01/2005 under 37 CFR 1.131 is sufficient to overcome the Cook's reference (USPAT 6,762,406).

Applicant's Amendment

3. The Amendment filed 03/01/2005 has been entered. The present Office Action is made with all the amendment and argument being fully considered.

Claims 1 and 13 have been amended.

Claims 1-15 remain pending in this office action.

ALLOWANCE

4. Claims 1-15 are allowed.

Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance:

An ion trap-based system or method for chemical analysis comprising an ion trap array made of a plurality of ion traps arranged in a 2-dimensional array, each of said ion traps comprising a central electrode having an aperture, a first and second insulators each having an aperture sandwiching said central electrode, and first and second end cap electrodes each having an aperture sandwiching said first and second insulators, a structure for simultaneously releasing a plurality of different species of ions from at least one of the multiple ion traps, a spectrometer including a detector for receiving and

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identifying the released ions based on arrival times, and a drift region or drift channel disposed between the end cap electrode and the detector, said drift region or drift channel having a length sufficient for resolving the arrival times of different species of the ions, as recited in claim 1 and 13, is neither anticipated nor rendered obvious by any prior art.

Claims 2-12, 14 and 15 are also allowed because of their dependencies, either directly or indirectly, upon claims 1 or 13.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Relevant Prior Art

7. This prior art made of record and not relied upon is considered pertinent to applicant's disclosure: USPGPUB 2004/0135080, issued on 07/15/2004 to Ouyang et al., having an earliest priority date of 01/10/2003, is found to disclose the same subject matter of the disclosure, i.e., a 2-dimensional array of ion traps followed by a mass spectrometer. However, similar to the Cook's reference, the earliest priority date of this new reference (01/10/2003) is also predated by the Affidavit submitted 37 CFR 1.312 (10/10/1999).

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Communications

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard E Souw whose telephone number is 571 272 2482. The examiner can normally be reached on Monday thru Friday, 9:00 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R Lee can be reached on 571 272 2477. The central fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communications as well as for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.

bes
March 10, 2005



JOHN R. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800